

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2656

Introduced by Assembly Member O'Donnell

February 19, 2016

~~An act relating to kindergarten to grade 14 education. An act to amend Sections 48412 and 51421.5 of the Education Code, relating to pupils.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2656, as amended, O'Donnell. ~~Kindergarten to grade 14 education. Pupils: diploma alternatives: fee waiver: foster youth.~~

Existing law authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education. Existing law requires the State Board of Education to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the department to verify competency. Existing law authorizes the department to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application. Existing law prohibits the department from charging the fee to an examinee who qualifies as a homeless child or youth and meets other specified criteria.

This bill would additionally prohibit the department from charging the fee to a foster youth or former foster youth who is under 25 years of age.

Existing law separately requires the Superintendent of Public Instruction to issue a high school equivalency certificate and an official score report, or an official score report only, to a person who has not completed high school and who meets specified requirements, including, among others, having taken all or a portion of a general education development test that has been approved by the state board and administered by a testing center approved by the department, with a score determined by the state board to be equal to the standard of performance expected from high school graduates. Existing law authorizes the Superintendent to charge an examinee a one-time fee to pay costs related to administering these provisions and issuing a certificate, as specified. Existing law limits the amount of the fee to \$20 per person and requires each scoring contractor to forward that fee to the Superintendent. Existing law prohibits a scoring contractor or testing center that charges its own separate fee from charging that separate fee to an examinee who qualifies as a homeless child or youth, is under 25 years of age, and can verify his or her status as a homeless child or youth.

This bill would additionally prohibit the scoring contractor or testing center from charging the fee to a foster youth or former foster youth who is under 25 years of age.

Existing law requires the Superintendent, on or before December 1, 2018, to submit 2 reports to the appropriate policy and fiscal committees of the Legislature, one relating to high school proficiency tests, and one relating to high school equivalency tests, that each include, among other things, the number of homeless youth that took a high school proficiency or equivalency test in each of the 2016, 2017, and 2018 calendar years, and the impact of the opportunity to take a high school proficiency or equivalency test at no cost on the number and percentage of homeless youth taking a high school proficiency or equivalency test.

This bill would require the Superintendent to also incorporate data on high school proficiency or equivalency test examinees who are foster youth or former foster youth into each report.

~~Existing law establishes a system of elementary and secondary schools in this state in which instruction is received by pupils in kindergarten and grades 1 to 12, inclusive. Existing law establishes the California Community Colleges, under the administration of the Board of~~

~~Governors of the California Community Colleges, as one of the segments of postsecondary education in this state. Kindergarten to grade 14 education is commonly characterized as comprising the elementary and secondary schools and community colleges.~~

~~This bill would express the intent of the Legislature to enact legislation relating to kindergarten to grade 14 education in this state.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48412 of the Education Code is amended
2 to read:

3 48412. (a) (1) A person 16 years of age or older, or who has
4 been enrolled in the 10th grade for one academic year or longer,
5 or who will complete one academic year of enrollment in the 10th
6 grade at the end of the semester during which the next regular
7 examination will be conducted, may have his or her proficiency
8 in basic skills taught in public high schools verified according to
9 criteria established by the ~~State Department of Education~~.
10 department.

11 (2) The state board shall award a “certificate of proficiency” to
12 persons who demonstrate that proficiency. The certificate of
13 proficiency shall be equivalent to a high school diploma, and the
14 department shall keep a permanent record of the issuance of all
15 certificates.

16 (b) (1) The department shall develop standards of competency
17 in basic skills taught in public high schools and shall provide for
18 the administration of examinations prepared by or with the approval
19 of the department to verify competency. Regular examinations
20 shall be held once in the fall semester and once in the spring
21 semester of every academic year on a date, as determined by the
22 department, that will enable notification of examinees and the
23 schools they attend, if any, of the results thereof not later than two
24 weeks ~~prior to~~ before the date on which that semester ends in a
25 majority of school districts that maintain high schools.

26 (2) In addition to regular examinations, the department may, at
27 the discretion of the Superintendent, conduct examinations for all
28 eligible persons once during each summer recess and may conduct
29 examinations at any other time that the Superintendent deems

1 necessary to accommodate eligible persons whose religious
2 convictions or physical handicaps prevent their attending one of
3 the regular examinations.

4 (c) (1) The department may charge a fee for each examination
5 application in an amount sufficient to recover the costs of
6 administering the requirements of this section. However, the fee
7 shall not exceed an amount equal to the cost of test renewal and
8 administration per examination application. All fees levied and
9 collected pursuant to this section shall be deposited in the State
10 Treasury for remittance to the current support appropriation of the
11 department as reimbursement for costs of administering this
12 section. Any reimbursements collected in excess of actual costs
13 of administration of this section shall be transferred to the
14 unappropriated surplus of the General Fund by order of the Director
15 of Finance.

16 (2) The department shall not charge the fee to an examinee who
17 meets all of the following criteria:

18 (A) The examinee qualifies as a homeless child or youth, as
19 defined in paragraph (2) of Section 725 of the federal
20 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
21 ~~11434a(2))~~ *11434a(2))*, or as a foster youth or former foster youth.

22 (B) The examinee has not attained 25 years of age as of the date
23 of the scheduled examination.

24 (C) ~~The~~ *For an examinee who qualifies as a homeless child or*
25 *youth pursuant to subparagraph (A), the examinee can verify his*
26 *or her status as a homeless child or youth. A homeless services*
27 *provider that has knowledge of the examinee's housing status may*
28 *verify the examinee's status for purposes of this subparagraph.*

29 (3) For purposes of this subdivision, a "homeless services
30 provider" includes either of the following:

31 (A) A homeless services provider listed in paragraph (3) of
32 subdivision (d) of Section 103577 of the Health and Safety Code.

33 (B) Any other person or entity that is qualified to verify an
34 individual's housing status, as determined by the department.

35 (4) The loss of fees pursuant to paragraph (2), if any, shall be
36 deemed to be a cost of administering this section for purposes of
37 paragraph (1).

38 (d) (1) The state board shall adopt rules and regulations as are
39 necessary for implementation of this section.

(2) Notwithstanding paragraph (1), the state board shall adopt emergency regulations, as necessary, to implement the provisions of subdivision (c), as amended by the act that added this paragraph. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(e) The department shall periodically review the effectiveness of the examinations administered pursuant to this section. The costs of this review may be recovered through the fees levied pursuant to subdivision (c).

(f) (1) On or before December 1, 2018, the Superintendent shall submit a report to the appropriate policy and fiscal committees of the Legislature that includes, but is not limited to, all of the following:

(A) The number of homeless youth, foster youth, and former foster youth that took a high school proficiency test in each of the 2016, 2017, and 2018 calendar years.

(B) The impact of the opportunity to take a high school proficiency test at no cost on the number and percentage of homeless youth, foster youth, and former foster youth taking a high school proficiency test.

(C) The estimated number of homeless youth, foster youth, and former foster youth who may take a high school proficiency test in future years.

(D) Recommendations for a permanent funding source to cover the cost of the waived fees.

(E) The annual and projected administrative cost to the department.

(F) The annual and projected reimbursement to contractors pursuant to this section.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2020, pursuant to Section 10231.5 of the Government Code.

(g) Additional state funds shall not be appropriated for purposes of implementing paragraph (2) of subdivision (c).

SEC. 2. Section 51421.5 of the Education Code, as added by Section 3 of Chapter 384 of the Statutes of 2015, is amended to read:

51421.5. (a) If, for purposes of this article, a contractor or testing center charges an examinee its own separate fee, the

1 contractor or testing center shall not charge that fee to an examinee
2 who meets all of the following criteria:

3 (1) The examinee qualifies as a homeless child or youth, as
4 defined in paragraph (2) of Section 725 of the federal
5 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
6 ~~11434a(2)~~; *11434a(2)*), or as a foster youth or former foster youth.

7 (2) The examinee has not attained 25 years of age as of the date
8 of the scheduled examination.

9 (3) ~~The~~ *For an examinee who qualifies as a homeless child or*
10 *youth pursuant to paragraph (1), the examinee* can verify his or
11 her status as a homeless child or youth. A homeless services
12 provider that has knowledge of the examinee's housing status may
13 verify the examinee's status for purposes of this paragraph.

14 (b) For purposes of this section, a "homeless services provider"
15 includes either of the following:

16 (1) A homeless services provider listed in paragraph (3) of
17 subdivision (d) of Section 103577 of the Health and Safety Code.

18 (2) Any other person or entity that is qualified to verify an
19 individual's housing status, as determined by the department.

20 (c) Additional state funds shall not be appropriated for purposes
21 of implementing this section.

22 (d) Notwithstanding subdivision (c), the Superintendent may
23 use surplus funds in the Special Deposit Fund Account, established
24 pursuant to Section 51427, to reimburse contractors for the loss
25 of fees, if any, pursuant to this section. A contract executed by the
26 department for the provision of examinations pursuant to Section
27 51421 or this section shall require that any contracting party accept
28 all examinees, including those entitled to a fee waiver pursuant to
29 this section. For purposes of this subdivision, "surplus funds" are
30 funds remaining after the costs permitted by subdivision (a) of
31 Section 51421 are paid.

32 (e) On or before December 1, 2018, the Superintendent shall
33 submit a report to the appropriate policy and fiscal committees of
34 the Legislature that includes, but is not limited to, all of the
35 following:

36 (A) The number of homeless youth, foster youth, and former
37 foster youth that took a high school equivalency test in each of the
38 2016, 2017, and 2018 calendar years.

39 (B) The impact of the opportunity to take a high school
40 equivalency test at no cost on the number and percentage of

homeless youth, foster youth, and former foster youth taking a high school equivalency test.

(C) The estimated number of homeless youth, foster youth, and former foster youth who may take a high school equivalency test in future years.

(D) Recommendations for a permanent funding source to cover the cost of the waived fees.

(E) The annual and projected administrative cost to the department.

(F) The annual and projected reimbursement to the contractor pursuant to this section.

(f) The Superintendent shall adopt emergency regulations, as necessary, to implement this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(g) The department shall include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver pursuant to this section shall be absorbed by the contractor.

(h) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 51421.5 of the Education Code, as added by Section 4 of Chapter 384 of the Statutes of 2015, is amended to read:

51421.5. (a) If, for purposes of this article, a contractor or testing center charges an examinee its own separate fee, the contractor or testing center shall not charge that fee to an examinee who meets all of the following criteria:

(1) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), *or as a foster youth or former foster youth.*

(2) The examinee has not attained 25 years of age as of the date of the scheduled examination.

1 (3) ~~The~~ *For an examinee who qualifies as a homeless child or*
2 *youth pursuant to paragraph (1), the examinee can verify his or*
3 *her status as a homeless child or youth. A homeless services*
4 *provider that has knowledge of the examinee's housing status may*
5 *verify the examinee's status for purposes of this paragraph.*

6 (b) For purposes of this section, a "homeless services provider"
7 includes either of the following:

8 (1) A homeless services provider listed in paragraph (3) of
9 subdivision (d) of Section 103577 of the Health and Safety Code.

10 (2) Any other person or entity that is qualified to verify an
11 individual's housing status, as determined by the department.

12 (c) Additional state funds shall not be appropriated for purposes
13 of implementing this section.

14 (d) The Superintendent shall adopt emergency regulations, as
15 necessary, to implement this section. The adoption of these
16 regulations shall be deemed to be an emergency and necessary for
17 the immediate preservation of the public peace, health, and safety,
18 or general welfare.

19 (e) The department shall include a provision in all
20 memorandums of understanding with contractors for purposes of
21 providing a high school equivalency test, that if the surplus funds
22 in the Special Deposit Fund Account are depleted, the ongoing
23 costs of a fee waiver for an examinee deemed eligible for a waiver
24 pursuant to this section shall be absorbed by the contractor.

25 (f) This section shall become operative on July 1, 2019.

26 ~~SECTION 1. It is the intent of the Legislature to enact~~
27 ~~legislation relating to kindergarten to grade 14 education in this~~
28 ~~state.~~